

DETAILED ACTION

Status of the Application

Receipt of Applicant's Response and Amendment filed 05/12/08 and the Supplemental Response and Amendment filed 07/30/08 is acknowledged.

Claims 1, 3-5, 7-14, 16 and 18-22 are pending in this action. Claims 1 and 3 have been amended by Applicant's amendment. Claims 1, 4, 5, 14 and 16 have been amended by Examiner's amendment. Claims 2, 6, 15, 17 and 23-32 have been cancelled. Claims 1, 3-5, 7-14, 16 and 18-22 are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nicholas P. Chiara on 15 August 2008.

The application has been amended as follows:

In the Claims:

In claim 1, section (2)(i)(a) after the term "its" the term ~~active~~ has been **deleted**.

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In claim **4**, section (1)(a) between the terms "its" and "active" the term **--o-desmethylvenlafaxine—** has been **inserted**.

In claim **4**, section (2)(i)(a), between the terms "its" and "active" the term **--o-desmethylvenlafaxine—** has been **inserted**.

In claim **4**, section (ii) the term "the coating" has been **deleted and replaced** with the phrase **--a coating surrounding the core--**.

In claim **4**, section (ii) the term **--if employed--** has been **deleted**.

In claim **5**, section (1)(a) between the terms "its" and "active" the term **--o-desmethylvenlafaxine—** has been **inserted**.

In claim **5**, section (2)(i)(a), between the terms "its" and "active" the term **--o-desmethylvenlafaxine—** has been **inserted**.

In claim **5**, section (ii) the term "the coating" has been **deleted and replaced** with the phrase **--a coating surrounding the core--**.

In claim **5**, section (ii) the term **--if employed--** has been **deleted**.

In claim **14**, line 3 the term **--a--** has been **deleted**.

In claim **16**, after the number "4", the phrase "**wherein the second coating is not optional**" has been **deleted and replaced** with **--further comprising a second coating--**.

Allowable Subject Matter

Claims 1, 3-5, 7-14, 16 and 18-22 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance are that Applicant's representative has adopted the suggestions made by the Examiner in the Non-Final Office Action dated 02/07/08, which sufficiently overcomes the rejections under 35 U.S.C. 112, first paragraph. Namely, Applicant's representative has amended the pending claims to recite that the claimed metabolite of venlafaxine is the o-desmethylvenlafaxine (ODV) metabolite. Furthermore, claim 1 has been amended to recite that the maximum plasma concentration is obtained in less than four hours and that the inert pellets have a diameter mesh size ranging from 15 to about 60 mesh.

Further, in a telephonic interview held between Applicant's representative (N. Chiara) and the Examiner of record (H. Sheikh) on 08/15/08, suggestions were made by the Examiner to amend claims 1, 4, 5, 14 and 16 to place the application in condition for allowance. Applicant's representative agreed to the suggestions made by the Examiner.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley, can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Humera N. Sheikh/

Primary Examiner, Art Unit 1618

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